

REMARKS**Overview**

Claims 1-39, 42-43, and 48-50 are pending in this application. Claims 1, 3, 7, 25, 31, 38, 42, 43, and 50 have been amended. Claims 40-41 and 44-47 have been cancelled. The present response is an earnest effort to place all claims in proper form for immediate allowance.

Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 102

Claims 38-41, 43, and 45-49 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,983,073 to Ditzik. Claims 38 and 43 have been amended. Claims 40-41 and 45-47 have been cancelled.

Claim 38 has been amended to incorporate a limitation from now cancelled claim 40. Thus, claim 38 now requires "a voice transceiver disposed within the body and adapted for communications over a voice communication network." Ditzik does not anticipate claim 38 because claim 38 requires that a removeable card include both "a short-range transceiver disposed within the removeable card body and adapted for two-way communications with a hands free voice communication unit" and "a voice transceiver disposed within the body and adapted for communications over a voice communication network." Thus, claim 38 requires two different types of transceivers to be present on the same removable card. Ditzik does not disclose such a device. At best, Ditzik, as interpreted by the Examiner, discloses the existence of BLUETOOTH cards and the existence of fax/modem cards. Ditzik does not disclose a single card that has the functionality of both a BLUETOOTH card and a fax/modem card. Therefore, this rejection to claim 38 must be withdrawn. As claim 39 depends from claim 38, this rejection should also be withdrawn.

With respect to claim 43, this rejection is respectfully traversed. Claim 44 has been cancelled and the limitations of claim 44 incorporated into claim 43. As the Examiner has already recognized, the limitation of "wherein the identifier is a voice sample" is not disclosed in Ditzik. Therefore this rejection must be withdrawn. As claims 48-49 depend from claim 43, these rejections must also be withdrawn.

Issues Under 35 U.S.C. § 103

Claims 1, 3-24, 36 and 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,983,073 to Ditzik in view of U. S. Patent No. 6,112,103 to Puthuff and further in view of U.S. Patent No. 5,933,506 to Aoki et al. These rejections are respectfully traversed.

Claim 1 has been amended to require that the handsfree voice communications device comprises "a processor operatively connected to the plurality of input sensors, a speaker, and a short range transceiver operatively connected to the processor and the speaker." This rejection to claim 1 must be withdrawn as neither Ditzik nor Puthuff nor Aoki disclose a handsfree voice communication device having "a processor operatively connected to the plurality of input sensors, a speaker, and a short range transceiver operatively connected to the processor and the speaker." As claims 3-24 depend from claim 1, it is respectfully submitted that these rejections must also be withdrawn.

Claim 36 depends from claim 31 which has been amended to require " sized and shaped so as not to occlude an external auditory canal of a user while transducing the bone conduction signal." Neither Ditzik nor Puthuff nor Aoki disclose this limitation. Note that as shown in FIG.

1 of Aoki would occlude the external auditory canal of a user. Therefore, it is respectfully submitted that this rejection must also be withdrawn.

Claim 50 has also been amended to require that the handsfree device is "sized and shaped so as not to occlude an external auditory canal of a user." This limitation is not disclosed in either Ditzik or Puthuff or Aoki. Therefore, this rejection should also be withdrawn.

Claims 25-29, 31-35, and 42 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,983,073 to Ditzik in view of U.S. Patent No. 5,933,506 to Aoki et al. These rejections are respectfully traversed.

Claim 25 has been amended to now require "wherein the handsfree voice communication unit is sized and shaped so as not to occlude an external auditory canal of a user while the plurality of sensors are sensing the voice sound information." Neither Ditzik nor Aoki et al alone or together disclose this limitation. Therefore, it is respectfully submitted that this rejection must be withdrawn. As claims 26-29 depend from claim 25, it is respectfully submitted that these rejections be withdrawn as well.

Claim 31 has been amended to require that the earpiece is "sized and shaped so as not to occlude an external auditory canal of a user while transducing the bone conduction signal." Neither Ditzik nor Aoki disclose this limitation. Therefore, it is respectfully submitted that this rejection must be withdrawn. As claims 32-35 depend from claim 31, it is respectfully submitted that these rejections be withdrawn as well as well.

Claim 42 has been amended to require "wherein the handsfree voice communication unit is sized and shaped so as not to occlude an external auditory canal of a user." Neither Ditzik nor Aoki disclose this limitation. Therefore, it is respectfully submitted that this rejection to claim 42 must also be withdrawn.

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,983,073 to Ditzik in view of U.S. Patent No. 6,112,103 to Puthuff in further view of U.S. Patent No. 5,933,506 to Aoki et al, and further in view of U.S. Patent No. 5,982,904 to Eghtesadi et al. These rejections are respectfully traversed. Claim 2 depends from independent claim 1 which further distinguishes claim 1 from the combination of Ditzik, Puthuff and Aoki. In particular, claim 1 requires "a processor operatively connected to the plurality of input sensors, a speaker, and a short range transceiver operatively connected to the processor and the speaker." Eghtesadi et al doe not disclose this element either. Therefore, this rejection to claim 2 must also be withdrawn.

Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditzik in view of Aoki et al. as applied to claim 25 and further in view of U.S. Patent No. 5,913,196 to Talmor et al. Claim 25 has been amended to require "wherein the handsfree voice communication unit is sized and shaped so as not to occlude an external auditory canal of a user while the plurality of sensors are sensing the voice sound information." Talmor does not remedy the deficiencies of Ditzik and Aoki. Therefore , this rejection should also be withdrawn.

Claim 44 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditzik in view of U.S. Patent No. 5,913,196 to Talmor et al. Although claim 44 is no longer pending, the limitations of claim 44 have been incorporated into claim 43, therefore this rejection is addressed. The examiner indicates that Talmor teaches an identifier that is a voice sample, citing to col. 5, lines 18-29, col. 7, lines 53-62, and column 8, lines 6-9. The Examiner indicates that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the authentication method taught in Talmor in the computer of Ditzik as an alternative means for preventing an authorized user of the earpiece from communicating with the computer for

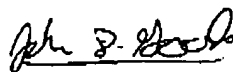
further access to the wide area network as taught by Talmor. In Ditzik, any earpiece used is in close physical proximity of the computer, thus Ditzik does not provide for automatic means to identify a user of the earpiece. For example, Ditzik specifically discloses "If one is using the earset he/she may also use a pen input means or keyboard 16 while in audio communications" (col. 8, lines 27-28). Ditzik is clearly focused on a modular notebook and PDA computer system as opposed to managing access to a wide-area network. Therefore, there would be no motivation to combine Ditzik with Talmor.

Claim 37 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,983,073 to Ditzik in view of U.S. Patent No. 6,112,103 to Puthuff and in further view of U.S. Patent No. 5,933,506 to Aoki et al, as applied to claim 1 and further in view of U.S. Patent No. 5,943,324 to Ramesh et al. This rejection is respectfully traversed. Claim 37 depends from claim 1 which is distinguishable from the combination of Ditzik, Puthuff, and Aoki for the reasons previously expressed. Ramesh et al is directed towards mobile satellite communications and therefore does not disclose the particulars of the claimed earpiece.. Therefore, this rejection to claim 37 should also be withdrawn.

This is also a request to extend the period for filing a response in the above-identified application for two month from August 19, 2005 to October 19, 2005. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 the amount of \$225 to cover the cost of the two month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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